

TOWNSHIP OF WALL

RESOLUTION NO. 22-0912

**AUTHORIZATION TO ENTER INTO A SHARED SERVICES AGREEMENT
WITH THE BOROUGH OF FARMINGDALE, FREEHOLD, AND THE
TOWNSHIP OF FREEHOLD TO RETAIN THE SERVICES OF SURENIAN,
EDWARDS & NOLAN LLC IN CONNECTION WITH LITIGATION INVOLVING
THE MANASQUAN RIVER REGIONAL SEWER AUTHORITY**

WHEREAS, the Township of Wall is a member of the Manasquan River Regional Sewage Authority (hereinafter "MRRSAM"); and,

WHEREAS, MRRSAM consists of those municipalities within Monmouth County that have: (a) filed Declaratory Judgment Actions in accordance with In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015) ("Mount Laurel IV"), and (b) have an interest in the litigation of IMO Colts Neck, Docket No.: MON-L-2234-15; and,

WHEREAS, as a member of the MRRSAM, the Township of Wall has an interest in the above captioned matters; and,

WHEREAS, the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1 et seq., authorizes local units as defined in said Act to enter into joint agreements for the provision of government services; and,

WHEREAS, the Township of Wall desires to enter into a shared services agreement with the Borough of Farmingdale, the Borough of Freehold, and the Township of Freehold (collectively the "Participating MRSSAM") for joint legal services as it relates to the above captioned matters in an effort to minimize costs to the Township and to maximize the defense and protection of the Township of Wall's interest in the above captioned matters; and,

WHEREAS, the aforementioned shared services agreement would involve retaining the law office of Surenian, Edwards & Nolan LLC to represent the Participating MRRSAMs' collective interests in the issues concerning the provision of sewer service to the sites that now or may become components of Colts Neck's present or future Housing Element and Fair Share Plan. Such activities may include but not be limited to preparing and responding to motions filed in the Colts Neck matter, serving or responding to discovery demands, preparing OPRA demands, preparing witnesses for trial, submitting responses to the filings of Colts Neck or any other interested party and related tasks; and,

WHEREAS, the Township of Wall recognizes that the law office of Surenian, Edwards & Nolan LLC is well suited to serve as lead attorneys for Participating MRRSAM because of their expertise in Affordable Housing – Mount Laurel law and are otherwise familiar with the issues that will be the subject of the above captioned litigation; and,

WHEREAS, the shared service agreement provides that all Participating MRSSAM shall be required to pay its pro rata share of legal fees incurred pursuant to the shared service

agreement and that law office of Surenian, Edwards & Nolan LLC shall bill at the following hourly rates:

1. Michael Edwards and Jeffrey R. Surenian, Esq. -- \$200/hr
2. Erik C. Nolan, Esq. -- \$200/hr
3. Firm Associates -- \$175/hr
4. Paralegal -- \$90/hr

WHEREAS, due to the nature of the shared service agreement and the associated fee sharing, the Township of Wall expressly reserves the right to not participate in the subject shared service agreement provided all Participating MRSSAM fail to pass resolutions authorizing their participation in the shared service and fail to execute same on behalf of the respective municipality.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Committee of the Township of Wall, County of Monmouth, New Jersey that the Township of Wall are authorized to enter into a contract as described above with the aforementioned Participating MRSSAM and the law office of Surenian, Edwards & Nolan LLC; and

BE IT FURTHER RESOLVED, that all Township officials including, but not limited to the Mayor, the Township Administrator and the Municipal Clerk, are hereby authorized and directed to take such ministerial actions as are necessary to effectuate the provisions of this resolution.

I, Roberta Lang, Municipal Clerk of the Township of Wall in the County of Monmouth and the State of New Jersey, do hereby certify that the foregoing is a correct and true copy of a resolution adopted by the Mayor and Council of the Township of Wall in the County of Monmouth in the State of New Jersey at a meeting held on September 14, 2022.



Roberta Lang, RMC
Municipal Clerk